

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Trademark Application Serial No. 75/863,261

Filed: December 3, 1999

Mark: Graphic Logo

Published in the Official Gazette: December 4, 2001, Page TM 206

AVX Corporation

Opposer,

v.

EPCOS AG,

Applicant.

Opposition No: 91/150,971



05-02-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

CONSENTED REQUEST TO SUSPEND THE OPPOSITION

Opposer hereby requests a further suspension of the subject opposition proceedings in order to allow time for the Examining Attorney to act on the Opposer's submission of the Consent to Register in the Opposer's pending application Serial No. 76/245,660, which stands suspended pending disposition of the Applicant's application Serial No. 75/863,261 involved in this Opposition.

Applicant consents to this Request to suspend the opposition.

The parties have reached a settlement, part of which being the amendment of the application involved in the subject opposition. Applicant has filed this Amendment with Opposer's consent. Applicant consents to registration of Opposer's mark. Copies

of the documents filed by Opposer in its application Serial No. 76/245,660 in connection with the settlement are enclosed.

Respectfully submitted,

DORITY & MANNING, P.A.

DATED: April 30, 2003

BY:


JAMES M. BAGARAZZI

Reg. No. 29,609

P.O. Box 1449

Greenville, SC 29602-1449

(864) 271-1592


CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing CONSENTED REQUEST TO SUSPEND THE OPPOSITION was deposited in U.S. First-Class Mail, postage prepaid, Certified Mail/Return Receipt No. 7002 0860 0001 5805 9883 on the date written below and addressed to counsel of record as follows:

Marie Ann Mastrovito, Esquire
Abelman, Frayne & Schwab
150 East 42nd Street
New York, NY 10017

Date:

April 30, 2003


James M. Bagarazzi
DORITY & MANNING, P.A.
P.O. Box 1449
Greenville, SC 29602-1449
(864) 271-1592

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this paper or fee is being deposited with the United States Postal Service with sufficient postage as first class mail under 37 CFR 1.8 addressed to: BOX RESPONSE NO FEE, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514 on

April 30, 2003

Denise R. Ginn

(Typed or printed name of person mailing paper or fee)

Denise R. Ginn

(Signature of person mailing paper or fee)

RE: Federal Use-Based Trademark Application
Mark: MISCELLANEOUS DESIGN
Serial No.: 76/245,660
Filing Date: April 24, 2001
Our Reference No: AVX-184-TM

BOX RESPONSES NO FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

REQUEST FOR REMOVAL OF SUSPENSION
AND SUBMISSION OF CONSENT TO REGISTRATION

The subject application was suspended pursuant to a notice mailed on July 16, 2001, pending the disposition of prior-filed application Serial No. 75/863,261. The present applicant filed an opposition against application Serial No. 75/863,261

The owner of application Serial No. 75/863,261 and the owner of the subject application Serial No. 76/245,660 have reached a settlement that calls for changing the description of goods in the '261 application. Accordingly, the owner of Serial No.

75/863,261 has submitted a Consented Request to Amend Publication (copy enclosed) deleting the wording "AND CAPACITORS" from the identification, and deleting the wording "power capacitors, tantalum chip capacitors, aluminum electrolytic capacitors, ultracapacitors," from the identification. The owner of Serial No. 75/863,261 also has executed a Consent to Registration Agreement (copy enclosed) consenting to registration of the present Applicant's application Serial No. 76/245,660.

Therefore, Applicant respectfully requests that the subject application be removed from suspension and published for opposition.

Respectfully submitted,

DORITY & MANNING, P.A.

DATE: April 30, 2003

BY: James M. Bagarazzi
JAMES M. BAGARAZZI
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

IN THE MATTER OF Trademark Application No. 75/863261
for the mark MISCELLANEOUS DESIGN;
Published in the Official Gazette on December 4, 2001

AVX Corporation

Opposer,

v.

EPCOS AG (substituted for Siemens Aktiengesellschaft)
Applicant.

Opposition No.
150971

Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202

05-02-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

CONSENTED REQUEST TO AMEND APPLICATION

The Applicant EPCOS AG¹ requests that the identification of goods in the application which is the subject of the instant Opposition be amended as follows:

1. The wording "AND CAPACITORS" which follows the wording "EMC COMPONENTS," should be deleted from the identification.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal service as First Class Mail in an envelope addressed to:
Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513
on the date shown below:

MARIE-ANNE MASTROVITO



Signature

Date April 28, 2003

¹

Although the Board acknowledged that EPCOS AG had been substituted as party defendant in this action in its Order dated August 1, 2002, the Board Order of October 15, 2002 reverts to referring to the Applicant/party defendant as Siemens AG. Applicant requests that the record in the Opposition and application be corrected to identify Applicant as EPCOS AG.

2. The wording "power capacitors, tantalum chip capacitors, aluminum electrolytic capacitors, ultracapacitors," should be deleted from the identification.

The Opposer has consented to this amendment.

The requested amendment merely narrows the scope of the goods covered by the application and should therefore be acceptable.

Respectfully submitted,



LAWRENCE E. ABELMAN
MARIE ANNE MASTROVITO
ABELMAN, FRAYNE & SCHWAB
150 East 42nd Street
New York, New York 10017
(212) 949-9022

Attorneys for EPCOS AG

Date: April 28, 2003
LEA/MAM

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **CONSENTED REQUEST TO AMEND APPLICATION** was served by first class mail, postage prepaid, this 28th day of April, 2003 upon Opposer:

James M. Bagarazzi
DORITY & MANNING
P.O. Box 1449
Greenville, South Carolina 29602-1592

MARIE ANNE MASTROVITO

ABELMAN, FRAYNE & SCHWAB
150 East 42nd Street
New York, New York 10017
(212) 949-9022

EXHIBIT A

ATTORNEY DOCKET NO.: AVX-184-TM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	Examining Attorney: Michele-Lynn Swain
AVX CORPORATION)	
Serial No.: 76/245,660)	Law Office: 103
Filed: April 24, 2001)	
Mark: GRAPHIC LOGO)	

CONSENT TO REGISTRATION

WHEREAS, EPCOS AG, a corporation organized under the laws of Germany, with a principal address at St.-Martin-Str. 53, Munich, Federal Republic of Germany (hereafter "EPCOS"), is the owner of U.S. Application No. 75/863,261 to register a stylized triangular GRAPHIC LOGO mark for capacitors, among other things in International Class 009;

WHEREAS, AVX Corporation, a Delaware corporation, with a principal address at P.O. Box 867, Myrtle Beach, South Carolina 29578 (hereafter "AVX"), desires to use the stylized "A" GRAPHIC LOGO mark for capacitors in International Class 009; and

WHEREAS, EPCOS recognizes the validity of AVX's U.S. Trademark Application Serial No. 76/245,660 and wishes to avoid any conflict therewith,

Now, therefore, EPCOS affirms as follows:

1. EPCOS has changed the description of goods in its application Serial No. 75/863,261 so as to delete therefrom, the following goods: "capacitors"; "power capacitors, tantalum chip capacitors, aluminum electrolytic capacitors, ultra capacitors,"
2. EPCOS believes that there is no likelihood of confusion or conflict between the two trademarks when used as described above in each party's pending application.

3. EPCOS therefore consents to the use and registration by AVX, of the stylistic "A" GRAPHIC LOGO for capacitors in International Class 009, as specified in AVX's application Serial No. 76/245,660; and

4. EPCOS will take no action to interfere with the use and registration of the stylistic "A" GRAPHIC LOGO by AVX.

In witness whereof, EPCOS has set its hand and seal hereto on the date written below.

EPCOS AG

April 4, 2003
DATE

By: [Signature]

Name: KNOLL

Title: GENERAL COUNSEL

Attest: [SEAL]

Name:

TTAB

TRADEMARK TRIAL AND APPEAL BOARD

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TRADEMARK

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Date of Deposit

April 30, 2003

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Denise R. Ginn

(Typed or printed name of person mailing paper or fee)

Denise R. Ginn

(Signature of person mailing paper or fee)



05-02-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #22